

Town of North Andover Water/Sewer Abatement Policy

GENERAL STATEMENT OF POLICY

Any customer of the North Andover water and/or sewer system may file an abatement request if he/she believes that the amount charged on the utility bill is in error by reason of incorrect reading, miscalculation of a bill, excessive reading, or a water leak as described below. For billing purposes the Town assumes that sewerage use equals water use, unless the meter is a bypass or water only meter.

SUBMISSION OF REQUESTS FOR ABATEMENTS

Requests for abatements must be submitted in writing to the Division of Public Works, Water Department Supervisor, 384 Osgood Street, North Andover, no later than forty-five (45) days after the issuance date of the bill in dispute. All requests must contain the customer's name, address, bill number, account number and reason for the abatement request.

Prior to filing an abatement request, customers are required to have paid all uncontested prior bills including penalties and interest, if applicable, and to pay against each contested billing period the amount equal to the bill prior to the contested billing period(s). No interest, penalties or late charges will accrue on the unpaid portion of contested bills while the request is under review

Water leaks. When a customer can demonstrate that a quantity of water billed to the user did not go into the sewerage system due to a water leak, water usage charges will be abated to a lower usage tier and sewer usage charges will be completely abated. The determination as to whether the usage charges should be abated to the lower usage tier shall be based on a comparison of the average monthly rate of usage during the prior eight billing periods. The customer must submit a request in writing as to the cause of the condition, along with a Plumber's Verification form, (Addendum A), signed by a license plumber having personal knowledge of the facts, along with a paid receipt for repair of the leak.

Swimming pools. Requests for abatement will be accepted for initial filling of a new swimming pool or complete refilling of a swimming pool due to a replacement of the liner. The customer must submit a receipt of the new liner that states the capacity of the pool and the billing period in which the initial filling or complete refilling occurred. This abatement does not apply to seasonal refilling or topping off. Sewer usage charges will be completely abated based on the capacity of the pool. There will be no abatement for water usage charges.

Irrigation systems. For irrigation systems, the determination as to whether the water usage charges should be abated to the lower usage tier shall be based on a comparison of the average monthly rate of usages during the previous eight seasons. If it is determined an abatement should be granted, the amount above the average usage will be abated to a lower usage tier. To request an abatement, the customer must submit a request in writing, along with a paid receipt for repair of the leak.

A customer's inability to pay a water or sewer bill shall not be grounds for abatement under this policy.

REVIEW OF REQUEST

The Water Department Supervisor (hereinafter referred to as "Supervisor") must investigate all abatement requests and issue a determination in writing within twenty (20) days after the date a request for abatement has been received by the Division of Public Works. The Supervisor shall either approve or deny the request. If a determination is not issued within twenty (20) days, the matter shall automatically be referred to the Director of Public Works. If the request is denied, the customer may, within ten (10) days of receipt of the denial, request, in writing, a review by the Director of Public Works (hereinafter referred to as "Director"). If a request for a review by the Director is not received within ten (10) days of receipt of the denial, no further appeal shall be allowed and customer must pay all amounts due immediately.

The Director shall issue a determination in writing, within fifteen (15) days after receipt of a request for review of the Supervisor's decision. If the Director confirms the findings of the Supervisor, the customer shall have the right to appeal the decision and request a hearing with the Utility Abatement Review Board. If the Director does not issue a determination within fifteen (15) days, the matter shall automatically be referred to the Utility Abatement Review Board. All requests for appeal must be submitted on the form provided by the Division of Public Works (Addendum B) within ten (10) days from receipt of the decision of the Director. If customer does not request a hearing within ten (10) days of receipt of the Director's decision, no further appeal shall be allowed and customer must pay all amounts due immediately.

The Utility Abatement Review Board shall consist of two members of the Board of Selectman and the Director of Finance. The Utility Abatement Review Board will hold a hearing no later than thirty (30) days from receipt of the Request for Appeal and will issue a determination in writing within ten (10) days after the hearing. All decisions shall state the reason for the decision and the amount, if any, of the abatement. Decisions of the Utility Abatement Review Board are final, subject only to such judicial review as may be available under the laws of the Commonwealth of Massachusetts. Customer must pay all amounts due within ten (10) days after receipt of the decision of the Utility Abatement Review Board.

If a request for abatement is approved, the customer shall not have the right to appeal the abatement amount, and must pay the remaining amount of the contested bill within ten (10) days from approval. If a request for abatement is approved by either the Supervisor or the Director and the requested abatement amount is in excess of \$5,000.00, the Director of Finance must also approve the request. Prior to any abatement amount being approved and any credit being given, the water department shall confirm with the Treasurer/Collector's office that all prior bills have been paid.

Town of North Andover Abatement Request
Plumber's Verification Form

I, _____
(Plumber's name) (Trade name if different)

(Plumber's Address)

have repaired a leak at _____
(Customer's Address)

for _____ on _____
(Customer's Name) (Date of repair)

I hereby verify that water usage from that leak did not enter the Town's Sewer System.

Plumber's Signature _____

License Number _____

Telephone Number _____

This form must be submitted with any request for abatement for sewer usage charges as a result of a water leak.

Please return form to: Abatements
Department of Public Works
384 Osgood Street
North Andover, MA 01845

Appeal to Utility Abatement Board
Town of North Andover Water & Sewer Bill

I, _____ of _____
(Your name) (Address)

(Account number & Bill number)

Service address (if different from above)

request the Town of North Andover Utility Abatement Board to review the water/sewer billings for the period _____. I believe the billing should be adjusted because (Please use additional paper if necessary):

Amount of Bill _____ requested Adjustment (units or dollars) _____

Please state the requested adjustment you are seeking in either units or dollars. This request is for information only.

Customer

Signature _____ Date _____

Please attach any other supporting documentation.

Please forward to: Director of Finance
 Town Hall
 120 Main Street
 North Andover, MA 01845